

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)
)
CIRCUIT CITY STORES, INC., et al,) **Case No. 08-35653-KRH**
) **Chapter 11**
Debtors.) **Jointly Administered**

**RESPONSE OF JOANNE EISNER TO DEBTORS'
SEVENTY-NINTH OBJECTION TO CLAIMS
(DISALLOWANCE OF CERTAIN LEGAL CLAIMS)**

Joanne Eisner ("Mrs. Eisner"), by and through her undersigned counsel, submits this Response to the Debtors' Seventy-Ninth Omnibus Objection to Claims (Disallowance of Certain Legal Claims) ("the Seventy-Ninth Omnibus Objection" or "the Objection") [Docket No. 7874]. In Support of her Response, Mrs. Eisner respectfully states as follows:

1. On November 10, 2008, ("the Petition Date"), Circuit City Stores, Inc. and related companies filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code.
2. Mrs. Eisner timely filed a Proof of Claim in this matter ("the Claim"): Claim No. 3852 in the amount of \$1.0 million.
3. The Claim is for damages, including loss of services, society and consortium, related to the personal injuries suffered by Mrs. Eisner's husband, Roy Eisner, at the Circuit City store in Bristol, Pennsylvania, as a result of the intentional acts and negligence of Circuit City and its officers, directors, employees and/or agents.
4. The incident, and the claim related thereto, are described and referred to in the Claim and in materials previously provided to the Debtors.

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5. Lead counsel for Mrs. Eisner is Marshall E. Kresman, Esquire, 1950 Street Road, Suite 103, The Constitution Building, Bensalem, Pennsylvania 19020, tel. 215-639-9933.
6. The Claim is listed in the exhibits to the Seventy-Ninth Objection, and is described in the Objection as a "No Legal Liability" claim; that is, a pending or threatened litigation matter for which the Debtors deny liability. Objection at Paragraph 2.
7. The Debtors previously objected to the Claim of Ms. Eisner in the Thirty-First Omnibus Objection [Docket No. 4585], but withdrew that Objection [Docket No. 4808]. Mrs. Eisner, by counsel, filed a Response to the Thirty-First Omnibus Objection [Docket No. 4822].
8. For the reasons stated herein, and in the Claim, and in the Response to the prior Objection, Mrs. Eisner disagrees with the Debtors' position.
9. The Debtors remain liable to Mrs. Eisner for the matters described and referred to herein, in the Response to the prior Objection, in her Claim and the Claim of Roy Eisner.
10. Mrs. Eisner requests that no further action be taken on her Claim without further Notice and a hearing on the Objection and this Response. Mrs. Eisner objects to any actions to her prejudice regarding his Claim.

WHEREFORE, Mrs. Eisner respectfully requests the Debtors' Objection be denied, and that the Claim of Mrs. Eisner be deemed allowed. Mrs. Eisner further asks the Court to award her attorney's fees and costs, and to grant Mrs. Eisner such other and further relief as this Court deems proper and equitable. Mrs. Eisner further asks that no action be taken to her detriment without further notice and opportunity to be heard on the merits of her Claim.

Date: July 9, 2010

JOANNE EISNER

By: /s/ Philip C. Baxa
Of Counsel

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 9th day of July, 2010, this Response of Joanne Eisner to Debtors' Seventy-Ninth Objection to Claims will be filed with the Clerk of the Court using the CM/ECF system, and send a true and correct copy of the Response via regular mail, postage prepaid, on July 9, 2010 to:

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